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14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
DEFENDANTS' MOTION FOR
RECONSIDERATION OF ORDER
DENYING-IN-PART
ADMINISTRATIVE MOTIONS TO
FILE UNDER SEAL (DKT. NO. 550)**

Date: July 20, 2017
Time: 9:00 a.m.
Ctrm: F, 15th Floor
Judge: Hon. Jacqueline Scott Corley

Trial Date: October 2, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Defendants Uber Technologies, Inc., and Ottomotto LLC's ("Uber") Motion for
6 Reconsideration of Order Denying-In-Part Administrative Motions to File Under Seal (Dkt.
7 No. 550).

8 2. The attached Exhibit 1 to this Declaration is a true and correct copy of Exhibit 10
9 to the Schmidt Declaration (Dkt. 444-6), with the narrow portions that are the subject of Uber's
10 request marked in red boxes on pages 8-9 and 12-13. (*See* Ex. 1 at 8 ¶ 2.3(a) (timing terms); 8-9
11 ¶¶ 2.5(a)-(b) (financial terms); 12-13 ¶¶ 3.8(b)-(e) (personal information).)

12 3. The marked portions on pages 8-9 contain the financial and timing terms for the
13 Indemnification Agreement. (*See* Ex. 1 at 8 ¶ 2.3(a) (timing terms); 8-9 ¶¶ 2.5(a)-(b) (financial
14 terms). The Court granted sealing of the draft version of these financial and timing terms in
15 Exhibit C to the Term Sheet. (Dkt. 550 at 3.) This is highly confidential business information
16 relating to the terms of Uber's agreements that is not publicly known, and this information's
17 confidentiality is strictly maintained. I understand that this information could be used by
18 competitors to Uber's detriment, including in the context of negotiating business deals. If this
19 information were disclosed, for example, competitors could obtain a competitive advantage by
20 offering better terms than Uber, such that Uber's competitive standing would be harmed.

21 4. The marked portions on pages 12-13 contain personal addresses, telephone
22 numbers, and email addresses of Anthony Levandowski and Lior Ron. (Ex. 1 at 12-13 ¶¶ 3.8(b)-
23 (e) (personal information).) This case has been the subject of much public and media interest,
24 and disclosure of this personal information could harm the privacy interests of these individuals
25 and their families. For example, if these personal addresses and contact information were
26 disclosed publicly, Messrs. Levandowski and Ron and their families could be exposed to harm or
27 identity theft.

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5. On June 12, 2017, I met and conferred with Waymo's counsel about Uber's motion for reconsideration. Waymo indicated that it did not oppose the sealing of Messrs. Levandowski and Ron's personal information or the timing terms, but it opposed sealing of the financial terms.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 12th day of June, 2017, in Washington, D.C.

/s/ Michelle Yang

Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: June 12, 2017

/s/ Arturo J. González

Arturo J. González